

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

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**CHILDREN FIRST FOUNDATION, INC.**

**Plaintiff**

**vs.**

**CASE NUMBER: 1:04-CV-927  
(NPM/RFT)**

**RAYMOND P. MARTINEZ, individually,  
and BARBAR J. FIALA, in her official  
capacity as Commissioner of the New  
York State Department of Motor Vehicles**

**Defendants**

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**Decision by Court.** This action came to hearing before the Court. The issues have been heard and a decision has been rendered. Plaintiff Elizabeth Rex having been terminated from this action by Order of Magistrate Judge Randolph F. Treese, issued August 6, 2007; and defendants Jill A. Dunn, David A. Paterson, George E. Pataki, and Neal Schoen having been terminated from this action by stipulation of the parties on April 24, 2009.

**IT IS ORDERED AND ADJUDGED** that the motion for summary judgment by defendant, Barbara J. Fiala, in her official capacity as Commissioner for the New York State Department of Motor Vehicles is DENIED; the motion for summary judgment by defendant Raymond P. Martinez regarding his affirmative defense of qualified immunity, is GRANTED; and the motion for summary judgment by plaintiff, Children First Foundation, Inc. is GRANTED.

**IT IS FURTHER ORDERED AND ADJUDGED** that defendant Barbara J. Fiala, in her official capacity as Commissioner for the New York State Department of Motor Vehicles, as well as her agents, employees, officials and any other person acting in concert with her or on her behalf, shall approve plaintiff, Children First Foundation, Inc.'s preferred custom plate design application that was submitted prior to the institution of the moratorium on acceptance of new plate applications

All of the above pursuant to the Memorandum-Decision and Order of the Honorable Senior United States District Judge Neal P. McCurn, dated the 8<sup>th</sup> day of November, 2011.

DATED: November 9, 2011

The signature is handwritten in black ink, appearing to read "Laurence A. Baum". Below the signature, the text "Clerk of Court" is printed in a smaller, sans-serif font.

s/ Melissa Ennis

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Melissa Ennis, Deputy Clerk